

Appl. No. : **09/942,983**
Filed : **August 30, 2001**

REMARKS

Claims 1-157 have been canceled without prejudice or disclaimer. Claims 158-167 have been added herein. The Applicants traverse all rejections as set forth herein.

Relation to U.S. Patent No. 6,185,543 to Galperin et al.

The Applicants note that the present application contains subject matter that is also disclosed in U.S. Patent No. 6,185,543 to Galperin et al. (the “Galperin patent”). The present application does not claim priority to the Galperin patent.

The pending claims of the present application differ in scope and are in some respects broader than the issued claims of the Galperin patent. Moreover, to the extent that arguments or statements made during prosecution of the Galperin patent are believed to define or limit the claims of the present application, or to disclaim or disavow any subject matter disclosed in the present application, the Applicants expressly disclaim all such arguments and statements. As such, it shall not be reasonably inferred that the prosecution history of the Galperin patent defines or limits the claims of the present application or disclaims or disavows any subject matter disclosed in the present application.

In view of the foregoing, the Applicants request that the Examiner revisit the art, including the art cited during prosecution of the Galperin patent, during examination of the present application.

Terminal Disclaimer

The Applicants have concurrently submitted a terminal disclaimer with respect to the Galperin patent.

Anticipation Rejection

The Examiner rejected Claim 157 under 35 U.S.C. § 102(e) as allegedly anticipated by the Galperin patent. The rejection of Claim 157 is moot because Claim 157 has been canceled.

The Applicants note that their Petition to Correct Inventorship under 37 C.F.R. § 1.48(a) was granted on August 28, 2008. Accordingly, because the inventorship of the present application is identical to the inventorship of the Galperin patent, the Galperin patent is not prior art under 35 U.S.C. § 102(e).

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New Claims

New Claims 158-167 differ in scope and are in some respects broader than the issued claims of the Galperin patent. Moreover, to the extent that arguments or statements made during prosecution of the Galperin patent are believed to define or limit the claims of the present application, or to disclaim or disavow any subject matter disclosed in the present application, the Applicants expressly disclaim all such arguments and statements. As such, it shall not be reasonably inferred that the prosecution history of the Galperin patent defines or limits new Claims 158-167 or disclaims or disavows any subject matter disclosed in the present application.

In view of the foregoing, the Applicants request that the Examiner revisit the art, including the art cited in the Galperin patent, during examination of new Claims 158-167.

Conclusion

The Applicants believe that new Claims 158-167 are allowable and respectfully request their allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 9, 2009

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